

Response
Application No. 10/809,889
Attorney Docket No. 042089

REMARKS

Claims 1 - 19 are pending in the present application. By this Amendment, claims 1 and 7 have each been amended. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated June 16, 2006.

As to the Merits:

As to the merits of this case, the Examiner sets forth the following rejection:

claims 1-19 stand rejected under 35 USC 102(a) as being anticipated by Dorenbosch et al. (U.S. Patent Application Publication No. 2002/0173308).

This rejection is respectfully traversed.

Claim 1, as amended, now calls for *a communication device comprising: means for logging into a server that offers instant message service; means for receiving an instant message having a forwarding destination; means for storing the instant message; means for detecting whether or not a user designated as the forwarding destination is logged in the server; and means for transmitting to the forwarding destination, the instant message stored in the means for storing when the user logs into the server, wherein said instant message is received regardless of whether the user designated as the forwarding destination has logged into the sever.*

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Independent claim 7 has been amended to recite similar features.

For example, in the present invention, the communication device 100 receives an instant message from the first client terminal 16a regardless of the status of the second client terminal 16b.

In contrast, Dorenbosch et al. clearly requires that the mobile subscriber 12 be logged on to the IM system 10 before an instant message is first delivered to the IM proxy from the conventional subscriber 14, see paragraphs [0023], [0024], [0028], [0032] and [0039].

In other words, in Dorenbosch et al. the IM proxy receives the instant message only after the mobile subscriber 12 has logged on to the IM system 10 and not regardless of whether the mobile subscriber 12 has logged on to the IM system 10, as now required in independent claims 1 and 7.

In addition, it is respectfully submitted claim 13 clearly distinguishes over the teachings of Dorenbosch et al., since this reference fails to disclose or fairly suggest *detecting by a terminal of a forwarder, whether or not a user of a terminal of a forwarding destination is logged in an instant message server; transmitting an instant message including identification information of the terminal of the forwarding destination from the terminal of the forwarder to a*

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communication device when the user of the forwarding destination is not logged in the instant message server.

Instead, as discussed above, Dorenbosch et al. teaches that the instant message is only transmitted to the IM proxy when the mobile subscriber 12, or forwarding destination, is logged on to the IM system 10.

In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

Response

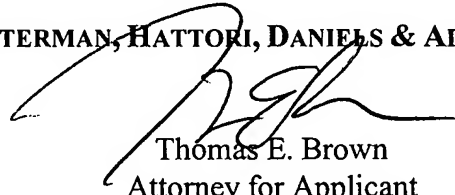
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If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'TEB', is written over the firm name.

Thomas E. Brown
Attorney for Applicant
Registration No. 44,450
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

TEB/jl